

REMARKS

This communication is in response to the Office Action mailed October 1, 2004. In the Office Action, claims 1-27 were pending. Claims 1-9 were rejected and claims 10-27 were allowed.

Claims 1-9 were rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Claim 1 is a method for controlling a physical system. With this amendment, claims 1 and 2 have been amended. The amendments contained herein have not been made for prior art reasons.

The Office Action reports, "the invention does not require physical acts to be performed outside the computer independent of the following the steps to be performed by a programmed computer...". With this amendment, the terms "input" and "output" in claims 1 and 2 have been amended to recite "input signal" and "output signal", respectively. Additionally, method claim 1 has been amended to recite a step of "controlling the physical system based on ...". As recited in claim 1, the input signals are applied to the first model and the second model. Controlling the physical system is based on combining output signals from the first model and the second model. As a result, the steps of "applying" and "controlling" directly effect the physical system recited in claim 1. As a result, independent claim 1 is believed to meet the requirements of 35 U.S.C. 101. As a result, claims 1-9 are believed to be allowable.

Reconsideration and allowance of the pending claims is respectfully requested. Favorable action is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Steven M. Koehler, Reg. No. 38,516
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312